

7 February 1964

MEMORANDUM FOR THE RECORD

SUBJECT: GSA Legislation On Records Disposal

1. At a meeting today in the National Archives Building with Mr. Robert Bahmer, his assistant, Mr. Carrico and his assistant, and myself produced the following.

2. The archivists and GSA do not retreat from their position that CIA is subject to their proposed legislation as well as the 1943 Records Act. They did agree that CIA was not subject to section 508(1) because the Director's authority would constitute other statutory provisions as used in that subsection. Thus there would be no problem destroying records situated abroad.

3. Mr. Bahmer assured us that no new program of records destruction was contemplated by GSA. He also assured me that the actual destruction would continue to be carried out by CIA subject to no GSA inspection.

4. The provisions of the proposed bill relating to disputes between agencies and GSA with respect to destruction schedules was discussed. Mr. Bahmer admitted there could be no meaningful resolution of such disputes unless CIA permitted the records under schedule to be examined. He and Mr. Carrico insisted that there would be no problem in this area because there hadn't been any problems for 15 years.

5. Mr. Bahmer agreed that the proposed legislation was in no way intended to affect our relations with GAO. Whether it did so or not would be a question to take up with GAO.

6. It was explained to Mr. Bahmer that the Agency always sought to comply with but never admitted it was subject to the 1943 Disposal Act. This point was not stressed because the information supplied by Mr. Bahmer tended to suggest both CIA and GSA could have contrary opinions on this matter and no practical problems would arise.

7. In discussing what constituted a "record" in GSA's opinion, it was learned that they considered tape recordings, graphs, and any other materials to be records if collected as part of official business. No mention was made of the special register or COMIT/ELINT materials in our possession, but it was clear what Mr. Bahmer's position would have been had he known the existence of these items.

8. Mr. Bahmer indicated that GSA regulations would not apply to financial papers and records normally subject to GAO audit.

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